



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING September 15, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:09 p.m. (The Ordinance Committee met at 12:00 noon, and the Finance Committee met at 1:00 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: Iya G. Falcone, Dale Francisco.

Staff present: Acting City Administrator Joan M. Kent, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring September 2009 As National Alcohol And Drug Addiction Recovery Month (120.04)

Action: Proclamation presented to Shereen Khatapoush, representing The Council on Alcoholism and Drug Abuse/Fighting Back.

2. Subject: Employee Recognition - Service Award Pins (410.01)

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through September 30, 2009.

(Cont'd)

2. (Cont'd)

Documents:

September 15, 2009, report from the Administrative Services Director.

Speakers:

Staff: Acting City Administrator Joan Kent.

By consensus, the Council approved the recommendation. The following employees were recognized:

5-Year Pin

John Martony, Finance
Elizabeth Scott, Police
Cheryle Pearson, Library
Frederick Fulmer, Public Works

10-Year Pin

Jeffrey Burns, Fire
Kell Hardin, Fire
Kevin Hokom, Fire
Justin Williams, Fire
Jose Delgado, Public Works
Joaquin Ortega, Public Works
Jose Rodriguez, Airport

20-Year Pin

Daniel Kato, Community Development
Timothy Gaasch, Public Works

25-Year Pin

Owen Thomas, Public Works

30-Year Pin

Thomas Haines, Fire

PUBLIC COMMENT

Speakers: Kate Smith; Ruth Wilson; Judy Cardinal, Daughters of American Revolution.

Councilmember Francisco arrived at the meeting at 2:24 p.m.

Speakers (Cont'd): Cruzito Herrera Cruz; David Daniel Diaz; Bonnie Raisin; Dave Homeless; Bob Hansen; Daniel Knapp.

CONSENT CALENDAR (Item Nos. 3 – 13 and 15 – 18)

The titles of the resolutions and ordinance related to Consent Calendar items were read.

Motion:

Council/Agency members Schneider/House to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Council/Agency member Falcone).

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of August 12, 2009, the regular meetings of August 18, and August 25, 2009, and the regular meeting of September 1, 2009 (cancelled).

Action: Approved the recommendation.

4. Subject: Records Destruction For Public Works Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Public Works Department in the Administration, Facilities Maintenance, Transportation and Water Resources Divisions.

Action: Approved the recommendation; Resolution No. 09-074 (September 15, 2009, report from the Public Works Director; proposed resolution).

5. Subject: Mooring Regulations In The Harbor District (570.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Rules and Regulations for Issuing Mooring Permits in the City of Santa Barbara Mooring Area, Setting Minimum Specifications for Installing, Inspecting, and Repairing Such Moorings, and Repealing Resolution No. 06-027.

Action: Approved the recommendation; Resolution No. 09-075 (September 15, 2009, report from the Waterfront Director; proposed resolution).

6. Subject: Introduction Of Ordinance Amending Municipal Code Title 17 Regarding Waterfront Policies (570.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 17 Sections 17.20.005, 17.20.220, and 17.20.265 Pertaining to Operations at the Waterfront.

Action: Approved the recommendation (September 15, 2009, report from the Waterfront Director; proposed ordinance).

7. Subject: Community Promotion Contract With Summer Solstice Celebration, Inc. (230.02)

Recommendation: That Council authorize the Interim Finance Director to execute a Community Promotion contract with Summer Solstice Celebration, Inc., in an amount of \$42,057 to support year-round salary and production expenses.

Action: Approved the recommendation; Contract No. 23,191 (September 15, 2009, report from the Interim Finance Director).

8. Subject: Catch Basin Inlet Storm Drain Screens Project (540.14)

Recommendation: That Council increase the appropriation and estimated revenue by \$1,789,388 in the Fiscal Year 2010 Creeks Capital Fund for the Catch Basin Inlet Storm Drain Screens Project.

Action: Approved the recommendation (September 15, 2009, report from the Parks and Recreation Director).

9. Subject: Upper Las Positas Creek Restoration And Storm Water Management Project (540.14)

Recommendation: That Council increase appropriations and estimated revenues by \$1,652,197 in the Creeks Capital Fund for the Upper Las Positas Creek Restoration and Storm Water Management Project.

Action: Approved the recommendation (September 15, 2009, report from the Parks and Recreation Director).

10. Subject: Purchase Order For Water Treatment Sludge Disposal (540.10)

Recommendation: That Council:

- A. Waive the formal bidding process, as authorized by Municipal Code Section 4.52.080(k), and authorize the City General Services Manager to issue a Purchase Order to the Ventura Regional Sanitation District (VRSD) in the amount of \$200,000 for the disposal of up to 6,500 tons of water treatment sludge in Fiscal Year 2010;
- B. Authorize the City General Services Manager to renew the Purchase Order to the VRSD annually through Fiscal Year 2012, subject to Council approval of the annual Water Fund budget; and
- C. Authorize the City General Services Manager to execute an agreement with the VRSD for delivery of water treatment sludge to the Toland Road Landfill for a three-year period.

Speakers:

- Staff: Water Resources Manager Rebecca Bjork.
- Member of the Public: John Ackerman, M.D.

Action: Approved the recommendations; Agreement No. 23,192 (September 15, 2009, report from the Public Works Director; e-mail communications submitted by John Ackerman).

11. Subject: Approve Cost Sharing For The Jesusita Fire Flood Protection And Mitigation Projects (520.02)

Recommendation: That Council:

- A. Approve an agreement for cost sharing of the Jesusita Fire Flood Protection and Mitigation Projects between the City of Santa Barbara and the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), and authorize the Public Works Director to execute the agreement;
- B. Waive the formal bid process, as authorized by Municipal Code Section 4.52.080 (Emergency Purchases), and authorize the City General Services Manager to issue a Purchase Order to AIS Construction in an amount not to exceed \$315,000 for the construction of debris barriers, and Purchase Orders not to exceed \$115,500 for additional Jesusita Fire mitigation work, including the installation of storm drain riser pipes, k-rail, and sandbags;
- C. Approve an agreement for cost sharing of the Jesusita Fire Flood Protection and Mitigation Project: Aerial Hydromulching between the City of Santa Barbara and Santa Barbara County Flood Control and Water Conservation District, and authorize the Public Works Director to execute the agreement; and

(Cont'd)

11. (Cont'd)

- D. Approve the expenditure of \$50,000 from the Streets Fund to County Flood Control to support aerial hydromulching.

Speakers:

Staff: Principal Civil Engineer John Ewasiuk, Supervising Engineer Brian D'Amour, Public Works Director Christine Andersen.

Action: Approved the recommendations; Agreement Nos. 23,193 and 23,194 (September 15, 2009, report from the Public Works Director).

12. Subject: Set A Date For Public Hearing Regarding Single Family Design Board Preliminary Approval Of 2105 Anacapa Street (640.07)

Recommendation: That Council:

- A. Set the date of October 6, 2009, at 2:00 p.m. for hearing the appeal filed by Tony Fischer, Attorney representing Friends of Upper-Anacapa, of the Preliminary Approval of an application for property owned by Barbara E. Matthews Trust and located at 2105 Anacapa Street, Assessor's Parcel No. 025-242-011, E-1 Single Family Residence Zone, General Plan Designation: 3 Units per acre. The project proposes the demolition of an existing 1,752 square foot single-family residence and detached 340 square foot garage, and construction of a new 4,183 square foot three-story single-family residence and attached 410 square foot two-car garage. Floor to lot area ratio square footage deductions for full and partial basements result in a total of 3,375 square feet on a 9,372 square foot lot in the Mission Area Special Design District; and
- B. Set the date of October 5, 2009, at 1:30 p.m. for a site visit to the property located at 2105 Anacapa Street.

Action: Approved the recommendations (July 30, 2009, letter of appeal).

13. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Denial For 1642 And 1654 Calle Canon And 2418 Calle Montilla (640.07)

Recommendation: That Council:

- A. Set the date of October 13, 2009, at 2:00 p.m. for hearing the appeal filed by Joseph and Carolyn Maguire of the Planning Commission denial of an application for property located at 1642 and 1654 Calle Canon and 2418 Calle Montilla, Assessor's Parcel Nos. 041-140-006, -008, and -009, A-2 and E-1 One-Family Residence Zones, General Plan Designation: Major Hillside. The proposal is for the subdivision of two lots into six lots.

(Cont'd)

13. (Cont'd)

A. (Cont'd)

Due to slope density requirements, each lot must provide more than the minimum lot area for the zone. Three existing single-family residences are proposed to remain. The discretionary applications required for the project are a Lot Area Modification, Street Frontage Modifications, a Wall Height Modification, a Tentative Subdivision Map, and Public Street Waivers; and

B. Set the date of October 12, 2009, at 1:30 p.m. for a site visit to the property located at 1642 and 1654 Calle Canon and 2418 Calle Montilla.

Action: Approved the recommendations.

Agenda Item No. 14 appears in the Redevelopment Agency minutes.

15. Subject: Chase Palm Park Easement And Adjacent Recycled Water Easement (330.03)

A. That the Redevelopment Agency (Agency) Board approve and authorize the Agency's Executive Director to execute, subject to approval by the Agency's Counsel, an amendment to the Declaration of Construction and Operating Covenants and Reciprocal Easements (Declaration), to extend the termination date to January 15, 2015, and to provide for a reciprocal underground utility easement in Chase Palm Park; and

B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Recycled Water Pipeline Easement Located on a Portion of the Real Property Commonly Known as 103 South Calle Cesar Chavez, Santa Barbara County Assessor's Parcel No. 017-113 020.

Action: Approved the recommendations; Resolution No. 09-076; Deed No. 61-344 (September 15, 2009, report from the Public Works Director and the Community Development/Agency Deputy Director; proposed resolution).

NOTICES

16. The City Clerk has on Thursday, September 10, 2009, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

17. Received letters of resignation from Community Development and Human Services Committee Member Alice O'Connor and Westside Center Advisory Committee Member Carlos Guerrero; the vacancies will be part of the next advisory group recruitment.

18. The Redevelopment Agency of the City of Santa Barbara will hold a public hearing on October 20, 2009, at 2:00 p.m. to review the Draft Implementation Plan 2010-2014 for the Central City Redevelopment Project Area.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met to consider proposed ordinance amendments related to the reconstruction of nonconforming properties damaged or destroyed by natural disasters; these amendments will be submitted to the full Council for introduction and subsequent adoption. The Committee also held a hearing to discuss and receive public comment regarding possible revisions to the ordinance regulating medical cannabis dispensaries; a second hearing on this issue will be held by the Committee on September 29, 2009.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger Horton reported that the Committee reviewed and forwarded to Council recommendations by the Arts Advisory Committee for the allocation of community promotion grants for Fiscal Year 2010.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

19. Subject: Upper State Street Area Design Guidelines (640.02)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Adopt Updated Design Guidelines for the Upper State Street Area.

Documents:

- September 15, 2009, report from the Community Development Director.
- Proposed Resolution.
- Upper State Street Study Report, dated March 2007, and City Council Resolution No. 07-032, adopted May 8, 2007.
- September 14, 2009, letter from Citizens Planning Association of Santa Barbara County, Inc.
- September 14, 2009, e-mail from Chihoko and Richard Solomon.

The title of the resolution was read.

(Cont'd)

19. (Cont'd)

Speakers:

- Staff: City Planner Bettie Weiss, Project Planner Heather Baker.
- Members of the Public: Paul Hernadi, Citizens Planning Association; Connie Hannah, Santa Barbara League of Women Voters; Cathie McCammon.

Motion:

Councilmember House/Mayor Blum to approve the recommendation, directing Staff to include a revision to Guideline No. 30 requested by the Citizens Planning Association; Resolution No. 09-077.

Vote:

Majority roll call vote (Noes: Councilmember Francisco; Absent: Councilmember Falcone).

MAYOR AND COUNCIL REPORTS

20. Subject: Request From Councilmembers Schneider And Williams Regarding A Letter Opposing New Federal Offshore Oil Drilling (630.10)

Recommendation: That Council consider the request of Councilmembers Schneider and Williams to send a letter opposing new federal offshore oil drilling.

Documents:

September 15, 2009, report from the City Administrator.

Speakers:

Members of the Public: Dr. Lee Heller, Get Oil Out; Jim Childress, Los Padres Chapter of the Sierra Club; Connie Hannah, Santa Barbara League of Women Voters; Bruce Allen, Save Our State California; Rudy Mangue; Lad Handleman; Nathan Alley, Environmental Defense Center; Abe Powell, Get Oil Out.

Motion:

Councilmembers Schneider/House to approve the proposed letter.

Vote:

Majority voice vote (Noes: Councilmember Francisco; Absent: Councilmember Falcone).

RECESS

The Mayor recessed the meeting at 4:33 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 21 - 23, and she stated there would be no reportable action taken during the closed sessions.

CLOSED SESSIONS

21. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Rudy Munoz v. City of Santa Barbara, et al.*, SBSC Case Number 1302638.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

September 15, 2009, report from the City Attorney.

Time:

4:40 p.m. - 5:00 p.m.

No report made.

22. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Christine A. Kravetz v. City of Santa Barbara, et al.*, SBSC Case Number 1303351.

Scheduling: Duration. 15 minutes; anytime

Report: None anticipated

Documents:

September 15, 2009, report from the City Attorney.

Time:

5:00 p.m. - 5:20 p.m.

No report made.

23. Subject: Conference With Legal Counsel - Potential Litigation (160.03)

Recommendation: That Council hold a closed session to consider potential litigation pursuant to subsection (c) of section 54956.9 of the Government Code and take appropriate action as needed.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Cont'd)

23. (Cont'd)

Documents:

September 15, 2009, report from the City Attorney.

Time:

5:20 p.m. - 5:40 p.m.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 5:40 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____ MARTY BLUM MAYOR	ATTEST:	_____ SUSAN TSCHECH, CMC DEPUTY CITY CLERK
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